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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSE ANTONIO RODRIGUEZ,

Plaintiff,

v.

NAPH CARE, *et al.*,

Defendants.

Case No.: 3:21-cv-00185-MMD-WGC

ORDER

Re: ECF No. 8

Before the court is Plaintiff's "Motion to Amend" (ECF No. 8). Plaintiff states he "would like to re-word the Washoe County Sheriff Department part with Washoe County. At the time of putting together my original 1983 complaint I thought they were once (sic) and the same but now that the courts have made it clear to me that the Sheriffs Dept is immune and I may only seek relief from Washoe County. Therefore, I would like to correct my errors and implement this changes (sic)." (*Id.* at 1.) Plaintiff further states "In Claim 2 (Implanted-Port Flushing) I have added a more depth explanation to go with my original complaint which I have added to this motion." (*Id.*)

A proposed amended complaint did not accompany Plaintiff's motion. Plaintiff is advised that ". . . The amended complaint must be complete in and of itself without reference to the superseded pleading and must include copies of all exhibits referred to in the proposed amended pleading." LR 15-1(a).

Plaintiff is further advised that if he chooses to seek leave to file a first amended complaint, he is advised that a first amended complaint supersedes the original and amended complaints and, thus, the first amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a

1 party was named in the original complaint is irrelevant; an amended pleading supersedes the
2 original”). That means that Plaintiff’s first amended complaint, should Plaintiff choose to file one,
3 must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this
4 lawsuit.

5 The court points out to Plaintiff that the Screening Order (ECF No. 5) did not dismiss the
6 Washoe County Sheriff’s Office (WCSO) on the grounds of immunity, as Plaintiff suggests. The
7 WCSO was dismissed on the grounds it (the WCSO) is not an independent political subdivision
8 of the State of Nevada which under Nevada state law can itself sue - or be sued.

9 Plaintiff’s “Motion to Amend” (ECF No. 8) is therefore **DENIED** without prejudice.
10 Plaintiff shall have **thirty (30) days** within which to submit a motion to amend accompanied by a
11 proposed first amended complaint.

12 **IT IS SO ORDERED.**

13 Dated: January 3, 2022.

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15 WILLIAM G. COBB
16 UNITED STATES MAGISTRATE JUDGE
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